

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 4:14-MJ-022
	§	
JONATHAN DANIEL KUTEJ (01)	§	

JOINT MOTION TO EXTEND TIME TO INDICT

The defendant, Jonathan Daniel Kutej, and the government, jointly request this Court to extend the time upon which an indictment must be filed for this particular case.

The government filed a criminal complaint against the defendant on January 14, 2014 alleging a violation of 18 U.S.C. § 2251, production of child pornography. The Court held the initial appearance in this case on January 15, 2014. The defendant has remained in custody since that date under orders of detention. Under the Speedy Trial Act, 18 U.S.C. § 3161(b), an indictment must be returned on the instant charge “within thirty days from the date on which [the defendant] was arrested or served with a summons in connection with such charges.” The thirty days will fall on February 13, 2014. The parties request that the Court continue the presentation of the defendant’s case to the grand jury for an additional 60 days. Both parties believe that the additional time is necessary to gather information about the defendant and the circumstances of the case in order to reach a plea agreement without an indictment. The granting of the continuance would be in the interest of judicial economy, would serve the ends of justice, and would outweigh the interest of the public in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

This request is not made in an effort to unduly delay the proceedings, but rather to insure that justice is achieved. The parties believe that a failure to grant the requested continuance

would deny the parties the time necessary for effective preparation, taking into account the exercise of due diligence, pursuant to U.S.C. § 3161(h)(7)(B)(iv). As such, the return of the indictment with the normal 30 day period could result in the miscarriage of justice, pursuant to 18 U.S.C. § 3161(h)(7)(B)(i).

Wherefore, the parties request that the Court continue the time upon which an indictment must be filed for an additional 60 days, until April 14, 2014.

Respectfully submitted,

JASON HAWKINS  
Federal Public Defender  
Northern District of Texas

/s/ William Hermesmeyer  
WILLIAM HERMESMEYER  
Assistant Federal Public Defender  
Northern District of Texas  
819 Taylor St., Room 9A10  
U.S. Mail: P.O. Box 17743  
Fort Worth, Texas 76102  
(817) 978-2753 (Telephone)  
(817) 978-2757 (Fax)  
william\_hermesmeyer@fd.org  
Texas Bar No. 24044953  
Counsel of Record

AGREED TO BY:

/s/ Aisha Saleem  
Aisha Saleem  
Assistant United States Attorney

/s/ Jonathan Daniel Kutej  
Jonathan Daniel Kutej  
Defendant

/s/ William Hermesmeyer  
William Hermesmeyer  
Counsel for Jonathan Daniel Kutej